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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SHARMINI N GREEN  
C/O BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025

EXAMINER

COULTER, KENNETH R

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/891,225	Applicant(s) TAYLOR ET AL.	
	Examiner Kenneth R Coulter	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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## DETAILED ACTION

### *Claim Objections*

1. Claims 1 – 3, 6 – 13, 17 – 19, 21 – 23, 26, and 27 are objected to because of the following informalities:

“coalseced” (claim 1, line 6; claim 7, line 12; claim 9, line 5; claim 11, line 8; claim 17, line 8; claim 20, line 13; claim 21, line 5; claim 22, line 9; claim 26, line 9);

“associatd” (claim 2, line 1);

“coalsecing” (claim 6, lines 5 and 11; claim 9, line 6; claim 11, line 1; claim 17, line 1; claim 21, line 6; claim 22, line 2; claim 26, line 2);

“assocaited” (claim 19, line 4; claim 27, line 5);

“excuted” (claim 25, line 2);

Appropriate correction is required.

### *Double Patenting*

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1 – 27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 30 of copending Application No. 09/846,521. Although the conflicting claims are not identical, they are not patentably distinct from each other because both the present Application and 09/846,521 disclose the following:

A system, comprising: a plurality of agents for receiving and sending formatted information via a network; and a priority rule-based coalescing mechanism connecting to the plurality of agents via the network for coalescing the formatted information, received from the plurality of agents, within a coalesced file according to corresponding priority rules defined with respect to each of the plurality of agents to generate an updated coalesced file.

The system according to claim 1, wherein each of the agent is associated with a device group that comprises at least one device and collects information from the at least one device in the device group.

The system according to claim 2, wherein each of the plurality of agents comprises: a device interface for interacting with the at least one device in the device group to collect information; an information formatting mechanism for organizing the information, collected by the device interface from the at least one device, according to a pre-defined syntax to generate formatted information; and a network communication mechanism for communicating with the priority rule-based coalescing mechanism, sending the formatted information to the priority rule-based coalescing mechanism via the network.

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4. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 27 are rejected under 35 U.S.C. 102(e) as being disclosed by Wolton et al. (U.S. Pub. No. 2004/0030741 A1) (Method and Apparatus for Search, Visual Navigation, Analysis and Retrieval of Information from Networks with Remote Notification and Content Delivery).

- 6.1 Regarding claim 1, Wolton discloses a system, comprising:

a plurality of agents for receiving and sending formatted information via a network (Abstract; p. 35, paragraph 790); and

a priority rule-based coalescing mechanism connecting to the plurality of agents via the network for coalescing the formatted information, received from the plurality of

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agents, within a coalesced file according to corresponding priority rules defined with respect to each of the plurality of agents to generate an updated coalesced file (p. 35, paragraph 790; p. 43, paragraph 1019).

6.2 Per claim 2, Wolton teaches the system according to claim 1, wherein each of the agent is associated with a device group that comprises at least one device and collects information from the at least one device in the device group (p. 35, paragraph 790; p. 43, paragraph 1019).

6.3 Regarding claim 3, Wolton discloses the system according to claim 2, wherein each of the plurality of agents comprises:

- a device interface for interacting with the at least one device in the device group to collect information (p. 35, paragraph 790; p. 43, paragraph 1019);

- an information formatting mechanism for organizing the information, collected by the device interface from the at least one device, according to a pre-defined syntax to generate formatted information (Abstract "automatically format results of the search");
- and

- a network communication mechanism for communicating with the priority rule-based coalescing mechanism, sending the formatted information to the priority rule-based coalescing mechanism via the network (p. 35, paragraph 790; p. 43, paragraph 1019).

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6.4 Per claims 4 – 27, the rejection of claims 1 – 3 under 35 USC 102(e) (paragraphs 6.1 – 6.3 above) applies fully.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 703 305-8447. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

krc

KENNETH R. COULTER  
PRIMARY EXAMINER

